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Datwan Green, Brandon North, and Mark T. Brewer*

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

OFRA LEVIN AND ISAAC LEVIN,

Plaintiff,

v.

J.P. MORGAN CHASE BANK, N.A.,
KEVIN MCHALE, DATWAN GREEN,
AND BRANDON NORTH, MARK T.
BREWER,

Defendants.

Document filed electronically

Civil Action No. 2:18-cv-03840

**DECLARATION OF MICHAEL E.
AUERBACH, ESQ. IN OPPOSITION TO
PLAINTIFFS' MOTION TO REMAND TO
STATE COURT, REQUEST FOR
PRELIMINARY INJUNCTION AND
IMPOSITION OF SANCTIONS**

I, Michael E. Auerbach, do hereby certify pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney with the law firm of McCalla Raymer Leibert Pierce, LLC, attorneys for defendants, JPMorgan Chase Bank, N.A. ("Chase"), Kevin McHale, Datwan Green, Brandon North, and Mark T. Brewer (collectively with Chase, the "Defendants") in the above-captioned civil action. I am admitted to practice in this Court and am a member in good standing.

I submit this declaration in opposition to the motion to remand to state court, request for a preliminary injunction and imposition of sanctions (the “Motion”) filed by Plaintiffs Isaac Levin and Ofra Levin (“Plaintiffs”).

2. Annexed hereto and incorporated herein as Exhibit 1 is a correct copy of the Defendants’ acknowledgment of service of Plaintiffs’ Summons and Complaint, with proof of mailing, served July 2, 2018 (“Acknowledgment of Service”).

3. Annexed hereto and incorporated herein as Exhibit 2 is a redacted but otherwise correct copy of the Home Equity Line of Credit Agreement and Disclosure Statement executed by Plaintiff Ofra Levin on February 20, 2006 to JPMorgan Chase Bank, N.A. in the amount of \$200,000 (the “Note”).

4. Annexed hereto and incorporated herein as Exhibit 3 is a redacted but otherwise correct copy of the recorded mortgage executed by Plaintiff Ofra Levin on February 20, 2006 to JPMorgan Chase Bank, N.A. in the amount of \$200,000.00, recorded in the Office of the Nassau County Clerk in Liber M 20247, Page 522 (the “Mortgage”).

5. Annexed hereto and incorporated herein as Exhibit 4 is a redacted but otherwise correct copy of Loan Modification Agreement executed by Plaintiff Ofra Levin (the “Modification”).

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6. Annexed hereto and incorporated herein as Exhibit 5 is a redacted but otherwise correct copy of filed Notice of Removal in the action entitled *Ofra Levin and Isaac Levin v. JPMorgan Chase Bank, N.A., Kevin McHale, Datwan Green and Brandon North*, Case No. 2:17-cv-04893-JMA-A (the “Prior Action”).

7. I certify under penalty of perjury that the foregoing is true and correct.

By: /s/ Michael E. Auerbach
Michael E. Auerbach, Esq.

Dated: August 30, 2018